

Notice of Allowability

Application No.

09/819,370

Examiner

Johannes P Mondt

Applicant(s)

WATANABE ET AL.

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/21/03.
2. ☒ The allowed claim(s) is/are 2-12.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

WATANABE ET AL.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2826

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☒ including changes required by the attached Examiner's Amendment / ~~Comment~~ or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

Amendment filed 07/21/2003 forms the basis of this Office Action. In said Amendment Applicants cancelled claim 1, substantially amended claims 2-7 and added new claims 8-12.

Response to Arguments

1. Applicant's arguments, see Remarks in aforementioned Amendment, filed 07/21/2003, with respect to the rejection of claim 2 in its substantially amended form have been fully considered and are persuasive.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph V. Gamberdell, Jr. (Reg. No.: 44,695) on October 27, 2003.

BEGIN EXAMINER'S AMENDMENT

1. **Claim 1:** the wording "both surfaces of the grooves of gratings" should be replaced by "the surface of the grooves of both gratings"; the wording "kept contact" should be replaced by "kept in direct contact". Appropriate correction is required.

2. **Claim 3:** the wording "both surfaces of the grooves of gratings" should be replaced by "the surface of the grooves of both gratings". Appropriate correction is required.
3. **Claims 7 and 12:** the wording "have a relationship between" by "relate as"; the wording "beneath" should be replaced by "underneath". Appropriate correction is required
4. **Claim 8:** the wording "conformable" should be replaced by "conformal".
5. **Claim 9:** the wording "land portion defined by the adjacent grooves" should be replaced by "land portion located adjacent to members of said plurality of grooves".
6. **Drawings:**

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: a "Prior Art" label has been included in Figure 1. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

END OF EXAMINER'S AMENDMENT

Allowable Subject Matter

3. **Claims 2-12** are allowed. The following is an examiner's statement of reasons for allowance:

With regard to claims 2 and 4-8: closely related art is available through Fiddymment et al. (4,805,184), Chen et al (Electronics Letters 32 (14), pp. 1288-1290) and Yamanaka (JP405021889A) as made of record. However, within the context of the

invention by Applicant as defined by claim 2, none of the above references teach the limitation that each of said absorbing layers to comprise a first insulator in direct contact with the surfaces of the grooves of the gratings, a metal layer contiguously formed on the first insulator, and a second insulator contiguously formed on the metal layer, nor has any prior art combinable with the above references been found that teaches said limitation. No pertinent prior art has been found in an update search.

With regard to claim 3 and 9-12: closely related art is available through Fiddymment et al. (4,805,184), Chen et al (Electronics Letters 32 (14), pp. 1288-1290) and Yamanaka (JP405021889A) as made of record. However, within the context of the invention by Applicant as defined by claim 3, none of the above references teach the limitation that each of said absorbing layers is an insulator layer comprising an insulator material as a matrix and metal particles dispersed in the matrix, nor has any prior art combinable the above references been found that teaches said limitation. No pertinent prior art has been found through an update search.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johannes P Mondt whose telephone number is 703-306-0531. The examiner can normally be reached on 8:00 - 18:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on 703-308-6601. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

JPM
October 27, 2003